

REMARKS

Claims 1-6, 9, and 59-71 are pending in this application and have been rejected by the Examiner. Claims 1 and 66 are amended with this response. No new matter is added. Reconsideration and withdrawal of the outstanding rejections in light of the remarks that follow is respectfully requested.

I. Claim Objections

Claim 66 was objected to for an informality, and has been corrected as suggested by the Examiner. Accordingly, withdrawal of the objection to claim 66 is respectfully requested.

II. Claim Rejections Under 35 U.S.C. § 112

Claims 1-6, 9 and 59-71 have been rejected under 35 U.S.C. § 112, second paragraph, for being indefinite over the recitation of the term “non-evanescent wave light” in claim 1. Applicants respectfully disagree with this rejection, and maintain, as explained in Applicants’ response of April 19, 2004, that the term “non-evanescent wave light” is clear and unambiguous. Given the disclosure in the specification, one of skill in the art can clearly understand what is covered by the claim. Nevertheless, in order to expedite prosecution, claim 1 is amended herein to replace the phrase “non-evanescent wave light” with phrase “white light, with the proviso that the white light is not evanescent wave light.” Support for illumination with white light may be found, for example, on page 5, line 24 of the original specification.

Claims 1-6, 9 and 59-71 have also been rejected under 35 U.S.C. §112, second paragraph, for being indefinite over the recitation of the phrase “detecting light scattered by said one or more scattered-light detectable particles under said conditions which indicates the presence of said allele in said sample” in claim 1. With this response, claim 1 has been

